

## EXHIBIT 2

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

DYSON, INC.,	)	
	)	Case No. 10-cv-08126
Plaintiff,	)	
	)	Judge Samuel Der-Yeghiayan
v.	)	
	)	Magistrate Judge Maria Valdez
BISSELL HOMECARE, INC.,	)	
	)	
Defendant.	)	

**DEFENDANT'S OBJECTIONS AND RESPONSES TO PLAINTIFF  
DYSON, INC.'S FIRST SET OF INTERROGATORIES**

In accordance with Rule 33 of the Federal Rules of Civil Procedure, Defendant BISSELL Homecare, Inc. ("BISSELL") responds to Dyson, Inc.'s ("Dyson") First Set of Interrogatories ("Interrogatories"), subject to the following objections:

**GENERAL OBJECTIONS**

1. The present responses are based upon and reflect only BISSELL's present knowledge, information, and belief. These responses may be subject to change, correction, or amplification on the basis of further facts, information or, circumstances that may come to BISSELL's attention.
2. BISSELL objects to each and every interrogatory to the extent it is inconsistent with or attempts to impose obligations beyond, in addition to, or different from those imposed by the Federal Rules of Civil Procedure.
3. BISSELL objects to the Definitions and Instructions as set forth in Dyson's Interrogatories to the extent they are inconsistent with or attempt to impose obligations beyond,

in addition to, or different from those imposed by the Federal Rules of Civil Procedure and the applicable Local Rules of the United States District Courts for the Northern District of Illinois (the "Local Rules"). BISSELL further objects to any definitions in these interrogatories to the extent that they purport to alter the plain meaning and/or scope of any specific interrogatory on the ground that such alteration renders the interrogatory vague, ambiguous, unduly broad, and uncertain.

4. BISSELL objects to each and every interrogatory to the extent that it seeks documents and things protected from discovery by the attorney-client privilege, the work-product doctrine, or any other applicable privilege, immunity, or doctrine, and specifically reserves the right to withhold such information from Dyson. Nothing contained in these responses is intended to be, or in any way constitutes, a waiver of any such applicable privilege, immunity, or doctrine.

5. BISSELL objects to each and every interrogatory to the extent it seeks information and/or documents that are not in BISSELL's possession, custody, or control. BISSELL is required to maintain in confidence pursuant to obligations owed to third parties.

6. BISSELL objects to each and every interrogatory to the extent it seeks information and/or documents that are already in Dyson's possession, custody or control.

7. In light of the fact that a protective order has not been entered in this matter, BISSELL objects to each and every interrogatory to the extent that they seek confidential or proprietary information. BISSELL will produce and provide relevant confidential and proprietary information or documents after a suitable protective order has been entered by the Court.

**SPECIAL OBJECTION**

8. BISSELL objects to Dyson's Interrogatories on the ground that they exceed the number of interrogatories permissible under the Federal Rules of Civil Procedure. Fed. R. Civ. P. 33(a)(1) states that "unless otherwise stipulated or ordered by the court, a party may serve on any other party no more than 25 written interrogatories, including all discrete subparts." Including subparts, Dyson has propounded at least 838 interrogatories.

**RESPONSES**

Subject to and without waiving the general objections and the special objection set forth above, and subject to the specific objections set forth below, BISSELL responds to Dyson's Interrogatories as follows:

**INTERROGATORY NO. 1**

State Bissell's complete factual and legal bases for each of its affirmative defenses against Dyson found in Bissell's Answer to Dyson's Complaint, filed February 3, 2011, including the identification of any documents and/or witnesses that support or refute Bissell's affirmative defenses.

**RESPONSE**

BISSELL objects to Dyson's Interrogatory No. 1 to the extent that it seeks confidential and proprietary documents and a suitable protective order has not been entered in this matter. BISSELL also objects to this interrogatory to the extent that it seeks documents protected by the client-attorney privilege and/or work product doctrine. BISSELL further objects to this interrogatory to the extent it seeks documents that are not within BISSELL's custody or control.

**INTERROGATORY NO. 2**

Describe with particularity Bissell's substantiation for the following advertising claims, including the identification of any documents that support or refute each of the following claims:

- Bissell's Healthy Home vacuum's HEPA filter "traps and seals in 100% of dust mites, pollen, ragweed, mold spores and 99.99% of pet dander." (Complaint at ¶ 54).
- Bissell's Healthy Home vacuum's HEPA Filter "trap[s] 100 percent of allergens like dust mites, ragweed, pollen and pet dander and prevent[s] them from escaping back into the room via the exhaust air . . . ." (Complaint at ¶ 54).
- Bissell's "Healthy Home Vacuum's filter captures 100% of slightly larger particles [larger than 0.3 microns] like pollen, ragweed, dust mites and mold spores." (Complaint at ¶ 55).
- Bissell's Healthy Home vacuum "will aid in removing 99.97% of dust mites, pollens, and ragweed particles from your home." (Complaint at ¶ 44).
- Bissell's Momentum upright vacuum's HEPA media filter "captures over 99.97% of dust mites, pollens, and ragweed." (Complaint at ¶¶ 48, 49).
- Bissell's Lift-Off MultiCyclonic Pet vacuum's filter "captures over 99.9% of pet dander." (Complaint at ¶ 48).
- Bissell's Pet Hair Eraser upright vacuum's filter "captures over 99.9% of pet dander." (Complaint at ¶ 48).
- Bissell's CleanView Helix vacuum's filter "captures over 99.9% of dust mites, pollens and ragweed." (Complaint at ¶ 48).
- Bissell's Lift-Off MultiCyclonic Pet vacuum's filter "captures over 99.9% of dust mites, pollens and ragweed." (Complaint at ¶ 48).
- Bissell's Pet Hair Eraser vacuum's filter "captures over 99.9% of dust mites, pollens and ragweed." (Complaint at ¶ 48).
- Bissell's CleanView Helix vacuum has a HEPA media filter that "captures over 99.9% of dust mites, pollen and ragweed to help you maintain a cleaner and healthier home." (Complaint at ¶ 49).
- Bissell's Pet Hair Eraser vacuum has a HEPA media filter that "captures over 99.9 percent of pet dander, dust mites,

pollen and ragweed to help create a healthier home environment.” (Complaint at ¶ 49).

- Bissell’s Rewind SmartClean upright vacuum’s HEPA filter “captures over 99.9% of dust mites, pollens and ragweeds.” (Complaint at ¶ 50).
- Bissell’s PurePro MultiCyclonic upright vacuum’s HEPA filter “captures over 99.9% of dust mites, pollens and ragweeds.” (Complaint at ¶ 50).
- Bissell’s DigiPro Canister vacuum’s HEPA filter “[c]aptures over 99.9% of dust mites, pollens and ragweed.” (Complaint at ¶ 51).
- “Bissell has the HEPA Filter technology supporting many of the vacuum products including the Healthy Home Vacuum<sup>™</sup>.” (Complaint at ¶ 44).
- Bissell’s CleanView Helix has a “HEPA Media Filter” and/or HEPA media filtration. (Complaint at ¶¶ 48, 57).
- Bissell’s Lift-Off MultiCyclonic Pet has a “HEPA Media Filter” and/or HEPA media filtration. (Complaint at ¶¶ 48, 57).
- Bissell’s Pet Hair Eraser upright has a “HEPA Media Filter” and/or HEPA media filtration. (Complaint at ¶¶ 48, 57).
- Bissell’s Rewind SmartClean upright has a “HEPA Media Filter” and/or “HEPA Media Filtration” (Complaint at ¶ 50).
- Bissell’s PurePro MultiCyclonic upright has a “HEPA Media Filter” and/or HEPA filtration. (Complaint at ¶¶ 50, 57).
- Bissell’s Momentum upright vacuum has a “HEPA Media Filter” and/or HEPA media filtration. (Complaint at ¶¶ 48, 57).
- Bissell’s Lift-Off MultiCyclonic Pet vacuum has a “HEPA media post-motor filter.” (Complaint at ¶ 48).

- Bissell's Pet Hair Eraser upright vacuum has a "HEPA media post-motor filter," and/or a "Style 8/14 HEPA Post-Motor Filter." (Complaint at ¶ 48).
- Bissell's Momentum upright vacuum has a "HEPA media post-motor filter" and/or a "Style 8/14 HEPA Post-Motor Filter." (Complaint at ¶ 48).
- Bissell's PurePro MultiCyclonic upright vacuum has a "HEPA media post-motor filter." (Complaint at ¶ 50).
- Bissell's Pet Hair Eraser Canister vacuum has "Dual HEPA Media Filters." (Complaint at ¶ 51).
- Bissell's DigiPro Canister has a "Washable HEPA Filter." (Complaint at ¶ 51).
- Bissell's Pet Hair Eraser Canister vacuum has "HEPA Media Filtration" and/or HEPA filtration. (Complaint at ¶¶ 51, 57).
- Bissell's DigiPro Canister vacuum has "HEPA Media Filtration" and/or HEPA filtration. (Complaint at ¶¶ 51, 57).
- Bissell's Pet Hair Eraser corded handheld vacuum has a "HEPA Media Filter" and/or "HEPA Media Filtration" and/or HEPA filtration. (Complaint at ¶¶ 52, 57).
- Bissell's CleanView Deluxe corded handheld vacuum has a "HEPA Media Filter" and/or "HEPA Media Filtration" and/or HEPA filtration. (Complaint at ¶¶ 52, 57).
- Bissell's Pet Hair Eraser corded handheld vacuum's "HEPA media filter ensures a healthier, thorough clean for the pet lover's home." (Complaint at ¶ 52).
- Bissell's Healthy Home vacuum has an "AireTight® HEPA System Filter" and/or "AireTight® HEPA filtration system" and/or HEPA filtration. (Complaint at ¶¶ 54, 57).
- Bissell's Healthy Home vacuum "purifies the air while you vacuum." (Complaint at ¶ 54).
- Bissell's Healthy Home vacuum's "AireTight® HEPA filtration system actually purifies the air while you are vacuuming." (Complaint at ¶ 55).

- Bissell's Healthy Home vacuum "has an AireTight® HEPA Filtration System to purify the air while you vacuum. The system traps and seals in allergens like pollens and dust mites." (Complaint at ¶ 56).
- Bissell's Healthy Home vacuum offers "[f]resh pure indoor air." (Complaint at ¶ 54).
- Bissell's claim on its Healthy Home vacuum packaging that "[t]he AireTight HEPA Filtration System means that all the air that exits the vacuum is HEPA filtered." (Complaint at ¶55).
- Bissell's claim on its Healthy Home vacuum packaging that "A HEPA filter captures 99.97% of particles as small as 0.3 microns (300 times smaller than a human hair). (Complaint at ¶ 55).
- Bissell's claim that "[d]uring the design and development process, BISSELL products are evaluated according to a comprehensive test process employing over 150 specific tests! This broad test approach asses each design in terms of product safety, durability, reliability, and performance, leaving no stone unturned. No product is deemed ready for production and consumer purchase until it passes stringent design requirements established by marketing and engineering that ensures total user satisfaction. Many of the product tests that BISSELL performs are based on extensive experience gleaned from over 128 years of floor care experience; experience that is unmatched by our competitors. Bissell also performs and complies with all of the industry standard tests that are recommended by UL, CSA, ASTM, ANSI, and IEC. Our test requirements typically exceed the industry standards to ensure our products are extremely safe and high performing as we strive to be our customers['] first choice for cleaning products . . . ." (Complaint at ¶ 46).
- Bissell's claim that "BISSELL's goal is to help you improve the ways you take care of your home, right down to the microscopic irritants. Since 1876, we've spent years developing cleaning tools designed to keep your living environment up to the highest standards." (Complaint at ¶ 36).
- Bissell's claim that "when we say clean . . . WE MEAN CLEAN!" (Complaint at ¶ 36).



- Bissell's claim that "[i]ncreasingly, consumers are health conscious and are aware that having a clean home means less sickness, less allergies." (Complaint at ¶ 38).
- Bissell's claim that "[a] recent survey showed that 52% of women and 49% of men would purchase a product if they felt that it would benefit the health of their family." (Complaint at ¶ 39).
- Bissell's claim that "[c]onsumers are becoming increasingly aware of how important it is to create and maintain a healthy home environment . . . ." (Complaint at ¶ 40).
- Bissell's claim that "[n]o one likes to think of their home as unclean or unhealthy, but the reality is that most homes are not as clean as they appear." (Complaint at ¶ 40).
- Bissell's claim that "[w]hen pollen, dirt, and dander find their way into the home, they take up residence in carpet and on top of hard surfaces, causing trouble for people with allergies when they get stirred up. To help people reclaim their homes and their lives, BISSELL has developed a line of powerful allergen control products . . . ." (Complaint at ¶ 45).
- The following claim made by Bissell on its website with respect to a number of its vacuums:

**Filtration: HEPA Media**

The filter media, not the vacuum as a whole, complies with the High Efficiency Air Filter (HEPA) protocol (EN 1822-1:2009).

For each claim referenced above, Bissell's response to this interrogatory shall include, but not be limited to: a) identification and description of all test method(s) conducted relating to the claim, even if the results of a particular test were not ultimately used to substantiate the claim; b) a detailed description of the results of all such test method(s) conducted, including, for any industry standard test conducted, all data required to be reported under that standard; and c) a detailed description of the reasons why Bissell used the test method(s) identified in response to this Interrogatory.

### **RESPONSE**

BISSELL objects to Dyson's Interrogatory No. 2 on the ground that it exceeds the number of interrogatories permissible under Fed. R. Civ. P. 33(a)(1), in that it contains five separate questions for each of 49 separate claims, constituting a total of 245 discrete interrogatories. BISSELL also objects to this interrogatory on the ground that it is unduly burdensome and overly broad in that it requires BISSELL to "describe with particularity Bissell's substantiation for the following advertising claims, including the identification of any documents that support or refute each of the [49 claims contained in Dyson's Interrogatories]" and "[f]or each claim referenced above, Bissell's response to this interrogatory shall include, but not be limited to: a) identification and description of all test method(s) conducted relating to the claim, even if the results of a particular test were not ultimately used to substantiate the claim; b) a detailed description of the results of all such test method(s) conducted, including, for any industry standard test conducted, all data required to be reported under that standard; and c) a detailed description of the reasons why Bissell used the test method(s) identified in response to this Interrogatory." BISSELL further objects to this interrogatory to the extent that it seeks confidential and proprietary documents and a suitable protective order has not been entered in this matter. BISSELL also objects to this interrogatory to the extent that it seeks documents protected by the client-attorney privilege and/or work product doctrine. BISSELL further objects to this interrogatory to the extent it seeks documents that are not within BISSELL's custody or control.

### **INTERROGATORY NO. 3**

For each claim listed in Interrogatory No. 2 above, provide the first date of use for the claim, the date of each subsequent use of the claim, the medium or media in which each instance of the claim

was made, the product/model as to which each instance of the claim was made, and the duration of each use of each claim.

**RESPONSE**

BISSELL objects to Dyson's Interrogatory No. 3 on the ground that it exceeds the number of interrogatories permissible under Fed. R. Civ. P. 33(a)(1), in that it contains five separate questions for each of 49 separate claims, constituting a total of 245 discrete interrogatories. BISSELL also objects to this interrogatory on the ground that it is unduly burdensome and overly broad. BISSELL further objects to this interrogatory to the extent that it seeks confidential and proprietary documents and a suitable protective order has not been entered in this matter. BISSELL also objects to this interrogatory to the extent that it seeks documents protected by the client-attorney privilege and/or work product doctrine. BISSELL further objects to this interrogatory to the extent it seeks documents that are not within BISSELL's custody or control.

**INTERROGATORY NO. 4**

For each claim identified in Interrogatory No. 2 above, identify any changes or revisions made to the claim, the date when the change or revision was made, the medium or media in which each revised claim was made, the product/model as to which each revised claim was made, the duration of each use of the revised claim, and describe with particularity why each identified change or revision was made.

**RESPONSE**

BISSELL objects to Dyson's Interrogatory No. 4 on the ground that it exceeds the number of interrogatories permissible under Fed. R. Civ. P. 33(a)(1), in that it contains six separate questions for each of 49 separate claims, constituting a total of 294 discrete interrogatories. BISSELL also objects to this interrogatory on the ground that it is unduly

burdensome and overly broad in that it requires BISSELL to "describe with particularity" why each identified change or revision was made to the 49 claims identified by Dyson in Interrogatory No. 2. BISSELL further objects to this interrogatory to the extent that it seeks confidential and proprietary documents and a suitable protective order has not been entered in this matter. BISSELL also objects to this interrogatory to the extent that it seeks documents protected by the client-attorney privilege and/or work product doctrine. BISSELL further objects to this interrogatory to the extent it seeks documents that are not within BISSELL's custody or control.

#### **INTERROGATORY NO. 5**

Identify the manufacturer and/or supplier of the HEPA filters used in each of the Bissell Vacuums, including without limitation each manufacturer and/or supplier's name, address, and contact person, as well as any information provided by the manufacturer and/or supplier to Bissell or by Bissell to the manufacturer and/or supplier regarding the performance of the HEPA filters provided to Bissell.

#### **RESPONSE**

BISSELL objects to Dyson's Interrogatory No. 5 on the ground that it exceeds the number of interrogatories permissible under Fed. R. Civ. P. 33(a)(1), in that it contains three separate questions for each of BISSELL's 11 vacuum cleaner models identified in the Complaint, constituting a total of 33 discrete interrogatories. BISSELL also objects to this interrogatory to the extent that it seeks confidential and proprietary documents and a suitable protective order has not been entered in this matter. BISSELL further objects to this interrogatory to the extent that it seeks documents protected by the client-attorney privilege and/or work product doctrine. BISSELL also objects to this interrogatory to the extent it seeks documents that are not within BISSELL's custody or control.

Dated: April 21, 2011

Respectfully submitted,

PATTISHALL, McAULIFFE, NEWBURY,  
HILLIARD & GERALDSON LLP

By: /s/ Uli Widmaier  
David C. Hilliard (IL Bar No. 1217496)  
Uli Widmaier (IL Bar No. 6226366)  
Ashly A. Iacullo (IL Bar No. 6289801)  
311 South Wacker Drive  
Suite 5000  
Chicago, Illinois 60606  
Telephone: (312) 554-8000  
Facsimile: (312) 554-8015

Attorneys for Defendant, BISSELL Homecare, Inc.

**CERTIFICATE OF SERVICE**

I, Uli Widmaier, hereby certify that a copy of the foregoing **DEFENDANT'S OBJECTIONS AND RESPONSES TO PLAINTIFF DYSON, INC.'S FIRST SET OF INTERROGATORIES** were served on April 21, 2011, via electronic mail, as stipulated, on the following:

Catherine J. Spector, Esq.  
Steven Ross Gilford, Esq.  
PROSKAUER ROSE LLP  
70 West Madison Street  
Suite 3800  
Chicago, Illinois 60602-4342

Brendan J. O'Rourke  
Dolores Francesca Dibella  
Lawrence I Weinstein  
PROSKAUER ROSE LLP  
1585 Broadway  
New York, NY 10036

David K. Callahan  
Kirkland & Ellis, LLP  
300 N. LaSalle Street  
Chicago, Illinois 60654

/s/ Uli Widmaier \_\_\_\_\_